

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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HOWARD M. EHRENBERG,
CHAPTER 11 LIQUIDATING TRUSTEE,
Plaintiff,

Docket No.: 8-18-71748-ast
Adversary Proceeding No. 8-20-08053-ast

v.

SAGE GROUP CONSULTING, INC., and
SALIL SHARMA,
Defendants.
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**DEFENDANT SALIL SHARMA'S response to Extension Request filed by Plaintiff and
Request to Grant the Motion to Dismiss in Default for failure to file a response in Time.**

Defendant SALIL SHARMA, *pro se*, hereby moves:

I am writing this letter as the Plaintiff has filed the motion to Extend Deadline to Respond to my Amended Motion to Dismiss. Plaintiff requested an extension due to power outage which seems ridiculous reason for an extension to respond second time, when I did not answer the email request Plaintiff threatened that they will go ahead and go over my head and get the extension from the Judge, to which point I respond and requested that they copy me on any such extension request filed with court as I plan to oppose it, Plaintiff simply ignored my several request to send me a copy of the extension request filed with court. Till now, I have not been provided with a copy of the motion filed. Please see attached request sent to Plaintiff to provide me a copy of motion filed.

Since I am representing myself as "Pro Se", I do not have any means to get the motion filed by plaintiff and they have a fiduciary responsibility to serve the defendants with what they are filing in court and not attempt to do it "Ex Parte". I have always provided them with a copy of my

every filing I did.

Plaintiff attorney first requested an Extension of 3 to 4 weeks by stating the following to me – “Lets engage in settlement discussion and as we discuss settlement, we can keep extending the deadline for filing a response”. When I agreed to the extension there was no settlement discussion, I had to request for a call couple of times and then a call was scheduled. In this call, I was clearly told they have no authorization for any type of settlement and furthermore they would not even release to me the documents they have claimed and used to file the very complaint, I have full right to such underlying documents the basis of which their entire complaint is based on. They agreed that I have right to see those documents, but Plaintiff’s attorney did not know if their client would want to release them. This is ironical given the fact that they filed a complaint based on those documents, now they are resisting even showing the underlying documents to me. The whole extension was taken from me in complete bad faith.

I found their current reason ridiculous given how they fooled me into giving a extension based on settlement discussions which never happened and was clearly told there will be no settlement only asset discovery. Given the nature of bad faith extension first time which gave plaintiff over 6 weeks till date as my Motion to Dismiss was filed on June 24th 2020 and then a few spelling mistakes were corrected in later amendment as I uploaded the wrong file. At this point the court should not grant the extension and let them default on the motion to dismiss.

Your Honor they use your court and your good name in every instance to say if I will not agree to this, we will easily get this approved by the judge.

As I mentioned in my previous filings that even though I was never served with summons or the complaint till date, I decided to respond with a motion to dismiss which I submitted to your Honor’s court. Before filing the motion to dismiss, I had requested an extension from the Plaintiff

so I could properly respond, but since my request was unanswered, I filed my motion to dismiss.

I would request your honor's court to please see the gamesmanship being played here by the plaintiff and request the relief of not granting them any extension.

I do not see any reason to extend the deadline and My Motion to dismiss should be granted in default for Failure to respond to my Motion to dismiss.

Please Grant my Motion to Dismiss as filed with prejudice and move for sanctions as a completely frivolous complaint was filed without any basis, ground, or standing. Furthermore, this complaint and many others were filed as a threat on the last day to negotiate a different third-party settlement.

In addition to this motion, please consider my earlier filing DEFENDANT SALIL SHARMA'S MOTION TO DISMISS filed on July 17th, 2020.

Defendants respectfully request that this Court grants the following relief against the Plaintiff:

- A. Dismissal of the Complaint with prejudice; and
- B. Such other and further relief as this Court may deem just and proper.

Exhibit Attached: Email sent to Plaintiff Attorneys requesting a copy of motion filed.

Dated: August 11th, 2020

Respectfully submitted,

Salil Sharma

8/11/2020

Gmail - Re: Howard M. Ehrenberg v. Salil Sharma, et. al. - Request for extension



Salil Sharma <salil71@gmail.com>

Re: Howard M. Ehrenberg v. Salil Sharma, et. al. - Request for extension

Salil Sharma <salil71@gmail.com>

Mon, Aug 10, 2020 at 5:08 PM

To: "Berke, Jonathan" <jonathan.berke@dlapiper.com>

Hi Jonathan,

I hope you are doing well and power is restored in your area. Pl send me a copy of the motion you have filed.

Regards
Salil Sharma

On Fri, Aug 7, 2020 at 11:28 AM Salil Sharma <salil71@gmail.com> wrote:

Hi Jonathan,

I have limited access to my emails. Pl send me a copy of the motion that you have filed.

Regards
Salil Sharma

Virus-free. www.avg.com

On Thu, Aug 6, 2020 at 6:43 PM Berke, Jonathan <jonathan.berke@dlapiper.com> wrote:
Salil,

We have not filed a motion. Do you agree to the stipulation?

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From: Salil Sharma <salil71@gmail.com>

Sent: Thursday, August 6, 2020 6:41:37 PM

To: Berke, Jonathan <Jonathan.Berke@us.dlapiper.com>

Subject: Re: Howard M. Ehrenberg v. Salil Sharma, et. al. - Request for extension

[EXTERNAL]